

Message

From: sebyp@gtlaw.com [sebyp@gtlaw.com]
Sent: 3/24/2018 12:37:41 AM
To: sebyp@gtlaw.com
Subject: North Dakota et al v. U.S. EPA & Army Corps Order on Motion to Lift Stay
Attachments: 99553809_v 1_[Doc 185] Order lifting stay.pdf

Passing along today's very significant development in the *State of North Dakota et al v EPA/Army Corps* litigation concerning the agencies 2015 "Waters of the U.S." (WOTUS) Rule. I am proud to represent the State of North Dakota as a special assistant attorney general in this case , under Attorney General Wayne Stenehjem.

The Court today granted our Motion to Lift the Stay of that case- which Motion was filed immediately after receiving a unanimous decision from the US Supreme Court this past January agreeing with North Dakota et al that the states' challenge to the WOTUS Rule was properly brought in federal district court- and not the US Court of Appeals as the federal agencies had urged.

The District Court today also denied a competing motion made by the two federal agencies & the US DOJ seeking to further stay this important and nationally leading case – trying to prevent the Court from reaching the merits of North Dakota et al's legal claims. This means the case will now proceed with the Court's full consideration of the claims brought by North Dakota and its 12 sister states against the WOTUS Rule.

Lastly, the Court's Order contains an extensive review of the path this case has taken over the last three years and the significant substantive issues involved.

Best regards

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From: ndd_nef@ndd.uscourts.gov [mailto:ndd_nef@ndd.uscourts.gov]
Sent: Friday, March 23, 2018 10:01 AM
To: CourtMail@ndd.uscourts.gov
Subject: Activity in Case 3:15-cv-00059-DLH-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Order on Motion for Miscellaneous Relief

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U.S. District Court

District of North Dakota

Notice of Electronic Filing

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Case Name: North Dakota et al v. U.S. Environmental Protection Agency et al

Case Number: 3:15-cv-00059-DLH-ARS

Filer:

Document Number: 185

Docket Text:

ORDER by Magistrate Judge Alice R. Senechal granting [165] Motion to Lift the Stay; denying [175] Motion for a Stay. (AS)

3:15-cv-00059-DLH-ARS Notice has been electronically mailed to:

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